

Assembly Bill No. 1884

Passed the Assembly August 7, 2008

Chief Clerk of the Assembly

Passed the Senate July 7, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Section 6529.5 of the Government Code, relating to joint powers agreements.

LEGISLATIVE COUNSEL'S DIGEST

AB 1884, Maze. Joint powers agreement: Tule River Tribal Council.

Existing law authorizes 2 or more public agencies, by agreement, to jointly exercise common powers. Existing law defines public agencies for this purpose.

This bill would provide that the Tule River Tribal Council, as the governing body of the Tule River Indian Reservation of California, a federally recognized Indian tribe, may enter into a joint powers agreement with the City of Porterville for the sole purpose of developing particular property in the vicinity of the Porterville Airport. The bill would deem the Tule River Tribal Council a public agency for purposes of the law relating to joint powers agencies and would designate the joint powers authority the bill would create as the Porterville Airport Area Development Authority. The bill would specify the membership of the authority's 5-member board and require that all actions taken by the authority be by an affirmative vote of 4 members of the board. The bill would prohibit the joint powers authority created pursuant to the bill from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985, unless the funded public improvements will be owned and maintained by the authority or one or more public agency members, and the revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members. The bill would repeal its provisions on January 1, 2039.

This bill would state the findings and declarations of the Legislature concerning the need for special legislation.

The people of the State of California do enact as follows:

SECTION 1. Section 6529.5 is added to the Government Code, to read:

6529.5. (a) The Tule River Tribal Council, as the governing body of the Tule River Indian Reservation of California, a federally recognized Indian tribe, may enter into a joint powers agreement with the City of Porterville for the sole purpose of developing approximately 1,200 acres of land in the vicinity of the Porterville Airport. The Tule River Tribal Council shall be deemed to be a public agency for purposes of this chapter.

(b) (1) The joint powers authority created pursuant to subdivision (a) shall be known as the Porterville Airport Area Development Authority.

(2) The board of directors of the joint powers agency shall consist of two members appointed by the city council of the City of Porterville, two members appointed by the Tule River Tribal Council, and one member appointed by the other four members.

(3) All actions taken by the Porterville Airport Area Development Authority shall require an affirmative vote of four members of the board.

(c) The joint powers authority created pursuant to subdivision (a) shall not have the power to authorize or issue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584)), unless the public improvements to be funded by the bonds will be owned and maintained by the authority or one or more of its public agency members, and the revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members.

(d) Nothing in this section shall be construed as extending the power of eminent domain to the Tule River Tribal Council.

(e) This section shall remain in effect only until January 1, 2039, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2039, deletes or extends that date.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances applicable only to the City of Porterville and the Tule River Tribal Council, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.

Approved _____, 2008

Governor